

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

KAREN GUTHRIE, *Individually and on*
behalf of the estate of DONALD GUTHRIE,

Plaintiff,

v.

GREGORY BALL, M.D.,

Defendant.

Case No. 1:11-cv-333-SKL

ORDER

Before the Court is “Motion in Limine #15 To Exclude Testimony on Pain and Suffering” filed by Defendant Gregory Ball, M.D. (“Defendant”) [Doc. 125]. Citing to applicable precedent, Defendant argues that because Mr. Guthrie “was comatose and brain dead from the time he was found unresponsive on March 24th until his death on March 25th, his survivors cannot recover for his conscious pain and suffering during that time period.” [*Id.* at Page ID # 2338]. Plaintiff Karen Guthrie, individually and on behalf of the Estate of Donald Guthrie (“Plaintiff”), filed a response stating that if Defendant is bound by his admission that Mr. Guthrie “was brain dead when he was found unresponsive on the morning of March 24, then Plaintiff agrees not to present evidence of Decedent’s pre-death pain and suffering.” [Doc. 171 at Page ID # 3529]. No reply was filed.

As addressed at the Final Pretrial Conference held October 14, 2014, it appears the parties are in basic agreement on this motion. Therefore, Defendant’s “Motion in Limine #15 To Exclude Testimony on Pain and Suffering” [Doc. 125] is **GRANTED**.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE